

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 7, 2010

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Lieutenant Fulford and Executive Secretary Dunsmore were also in attendance.

Ryan Hoff and Deb Scott were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the August 17, 2010 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the September 7, 2010 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

RR89-10453 BERTIE'S MUSIC BAR - Hearing Judge Dunsmore stated this permittee was cited for furnishing alcohol beverage to a minor and allowing a minor to loiter. The Prosecutor made an offer to the permittee to settle this matter; however, an agreement could not be reached, so an appeal hearing was held. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation to find the permittee guilty of the offenses and charge a fine of \$500.00. Commissioner Guthrie seconded, Commissioner Sturtz also upheld the Hearing Judge's recommendation and Chairman Snow abstained from voting. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been

recommended by local boards and reviewed by at least two Commissioners. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Vice Chairman Johnson seconded. The motion was unanimously approved.

Four hundred sixty-one (461) renewals approved, forty-two (42) new and/or transfer permits approved, twelve (12) permits approved for catering, three (3) permits approved for first year escrow, five (5) permits approved for second year escrow, one (1) permit approved for third year escrow, one (1) permit approved for fourth year escrow and two (2) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Guthrie seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL65-27078 ONE STOP EXPRESS, INC. – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR46-06205 MICHAEL W. BUBALO – Commissioner Guthrie noted this is a transfer of ownership with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated this permit has been very controversial. The applicant is requesting the Commission allow the withdrawal of this transfer.

Commissioner Guthrie moved to allow the withdrawal of the transfer. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make sixteen (16) permits inactive. Fourteen (14) permits are not subject to auction and two (2) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

RR53-95174 MY NEW MILLENNIUM, INC. – Commissioner Guthrie noted the original location of this permit was in Smithville, an unincorporated area near Bloomington. In 2004, a transfer of location was submitted with the location inside the city limits of Bloomington. No one at the Commission caught this error, so the transfer was approved. The current owner has operated at the Bloomington location for the last six years. The owner has a buyer for the permit, who has a location inside the city limits of Bloomington. The owner is requesting the permit be allowed to become part of the quota for Bloomington.

Commissioner Guthrie moved to allow for the conversion of this permit to the Bloomington quota, due to the fact that this was a Commission error. Commissioner Sturtz seconded. The motion was approved unanimously.

RH49-26802 MOTELS OF INDIANAPOLIS, LLP – Commissioner Guthrie stated the Commission denied this new application due to the fact that the local board did not vote on the application for failure to appear before them. The Commission was under the impression that the applicant failed to appear at three consecutive meetings.

Commissioner Guthrie received a letter from the applicant requesting the application be remanded to the local board for reinvestigation. It appears that the applicant did appear at two of the local board meetings, but failed to appear at the last one, because of an emergency at the business.

Commissioner Guthrie moved to remand this application to the local board for further investigation. Vice Chairman Johnson seconded. The motion was approved unanimously.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2010.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER